

JAP:AFM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

DWAYNE MCCAULLEY,

Defendant.

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COMPLAINT AND
AFFIDAVIT IN
SUPPORT OF
APPLICATION FOR
ARREST WARRANT

(T. 18, U.S.C. § 2252(a)(2))

17-M-675

EASTERN DISTRICT OF NEW YORK, SS:

RACHEL L. GRAVES, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), duly appointed according to law and acting as such.

In or about and between March 2015 and February 2016, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DWAYNE MCCAULLEY did knowingly receive any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of your deponent's information and the grounds for her belief are as follows:

1. I have been a Special Agent of the FBI since January 2016, and I am currently assigned to the New York Office. Since January 2017, I have been assigned to the Crimes Against Children Squad. I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through classroom training and daily work conducting these types of investigations. As a result of my training and experience, I am familiar with the techniques and methods used by individuals involved in criminal activity to conceal their activities from detection by law enforcement authorities. As part of my responsibilities, I have been involved in the investigation of child pornography ("CP") cases and have reviewed photographs depicting minors (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

3. On or about March 16, 2015, an FBI Special Agent working in an undercover capacity ("UC-1"), used a Bittorrent application via an internet-connected computer located within the FBI New York Division to conduct undercover investigations into the Internet distribution and possession of child pornography. During this investigation,

a computer that was sharing child pornography was located on the Bittorrent files sharing network. UC-1 downloaded 11 files in their entirety from a sharing client. The sharing client's IP address was recorded along with the date and time of the file transfer. The sharing client reported that it was using Bittorrent client "uTorrent 3.2." Your Affiant reviewed the files downloaded. Several of these files, which are available for the Court's review, are described as follows:

- a. **pthc 9yo Jenny daughter tied up and dog licking her.avi** is a video file that is approximately 2 minutes and 6 seconds in length. This video depicts a nude prepubescent girl blindfolded and bound at the wrists and ankles to a bed with yellow rope. A yellow dog wearing an orange collar licks the girl's abdomen and vaginal area. An unidentified person rubs butter on the girl's vagina to encourage the dog to continue licking. In the meantime, the girl simultaneously performs oral sex on an adult male's penis. This video depicts a known victim as previously identified by law enforcement and the National Center for Missing & Exploited Children (NCMEC).
- b. **pthc 9yo jenny enjoying.avi** is a video file that is approximately 2 minutes and 1 second in length. This video depicts a nude prepubescent girl lying chest on a bed. The girl is wearing a brown or black collar around her neck. The young girl performs oral sex on an unidentified adult male's penis. This video depicts a known victim as previously identified by law enforcement and NCMEC.
- c. **pthc_ptsc_9yo_jenny_enjoying_doggie_cock.JPG** is an image depicting a prepubescent performing oral sex on a male dog's penis. This image depicts a known victim as previously identified by law enforcement and NCMEC.

4. The IP address assigned to the computer sharing the above files was 142.255.75.0 (the "McCaulley IP") at the date referenced above. The Bittorrent application used by the FBI captures the IP address from which the files were sent. All of the above files

were downloaded from the McCaulley IP. When users on this file sharing network download files, the computers sharing files can be identified by their IP addresses. Investigators can view and describe the completely downloaded files.

5. Between May 3rd and May 21st, 2015, an FBI Child Exploitation Task Force Officer working in an undercover capacity (“UC-2”) again used a Bittorrent application to download child pornography from a computer using the McCaulley IP.

6. Finally, between February 13 and February 16, 2016, an FBI Special Agent working in an undercover capacity (“UC-3”) once again used a Bittorrent application to download child pornography from a computer using the McCaulley IP.

7. A check of publicly available records located online by an organization known as the American Registry of Internet Numbers (“ARIN”), revealed that the McCaulley IP was assigned to the internet service provider Time Warner Cable. Records obtained from Time Warner Cable showed that on March 16, 2015, the McCaulley IP was subscribed to “DWAYNE MCCAULLEY,” and had been since October 6, 2014. Law enforcement agents obtained additional records from Time Warner Cable in March 2016 confirming that the McCaulley IP 142.255.75.0 was subscribed to “DWAYNE MCCAULLEY” at an address in Brooklyn, New York (the “Brooklyn Address”).

8. On April 8, 2016, the Honorable Peggy Kuo, United States Magistrate Judge, issued a warrant authorizing a search of the Brooklyn Address. On April 12, 2016, law enforcement agents executed the search warrant at the Brooklyn Address.

9. The defendant DWAYNE MCCAULLEY was at the Brooklyn Address at the time of the execution of the search warrant. Law enforcement agents participated in a

voluntary interview of the defendant at that time. He was advised of the identities of the interviewing agents and the nature of the interview, and was read his Miranda rights, which he stated that he understood. The defendant waived his rights and agreed to speak with the agents.

10. In sum and substance, the defendant DWAYNE MCCAULLEY confirmed that he resides at the Brooklyn Address. He further admitted that he had used Bittorrent to download and share child pornography and had been viewing child pornography for at least two years. He was shown a list of child pornography files that agents had downloaded from him, and he admitted to recognizing the files and said that he had downloaded them.

WHEREFORE, your deponent respectfully requests that the defendant DWAYNE MCCAULLEY be dealt with according to law.

S/ Rachel Graves

RACHEL L. GRAVES
Special Agent
Federal Bureau of Investigation

Sworn to before me this
26th day of July, 2017

S/ Steve Tiscione

HONORABLE STEVEN L. TISCIONE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK